

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 44

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 46. "Council", for purposes of ~~IC 13-21-2~~, **IC 13-13-7**, refers to the ~~solid waste planning advisory council~~ **environmental quality service council established by IC 13-13-7-1, unless the specific reference is to the legislative council.**

SECTION 2. IC 13-11-2-151.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 151.6. "Panel", for purposes of IC 13-13-7, refers to the compliance advisory panel established by IC 13-13-7-2.**

SECTION 3. IC 13-13-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 7. Environmental Quality Service Council and Compliance Advisory Panel

Sec. 1. The environmental quality service council is established.

Sec. 2. The compliance advisory panel is established as a committee of the council.

Sec. 3. (a) The council consists of seventeen (17) voting members and one (1) nonvoting member. The panel consists of seven (7) voting members.

(b) The appointed members of the council and the panel are

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appointed as follows:

- (1) The president pro tempore of the senate shall appoint:
 - (A) to serve as members of both the council and the panel, two (2) members of the senate who:
 - (i) are not affiliated with the same political party; and
 - (ii) are owners of, or have an interest in, small business stationary sources; and
 - (B) to serve as members of the council, two (2) other members of the senate who are not affiliated with the same political party.
- (2) The speaker of the house of representatives shall appoint:
 - (A) to serve as members of both the council and the panel, two (2) members of the house of representatives who:
 - (i) are not affiliated with the same political party; and
 - (ii) are owners of, or have an interest in, small business stationary sources; and
 - (B) to serve as members of the council, two (2) other members of the house of representatives who are not affiliated with the same political party.
- (3) The governor shall appoint as members individuals who are not members of the general assembly as follows:
 - (A) To the council, two (2) individuals to represent business and industry, not more than one (1) of whom may be affiliated with the same political party.
 - (B) To the council, two (2) individuals to represent local government, not more than one (1) of whom may be a solid waste management district director and not more than one (1) of whom may be affiliated with the same political party.
 - (C) To the council, subject to clause (F), two (2) individuals to represent environmental interests, not more than one (1) of whom may be a solid waste management district director and not more than one (1) of whom may be affiliated with the same political party.
 - (D) To the council, two (2) individuals to represent the following interests:
 - (i) One (1) representative of semipublic permittees.
 - (ii) One (1) representative of agriculture.
 - (E) To both the council and the panel, one (1) individual to represent the public who is not:
 - (i) an owner of a small business stationary source; or
 - (ii) a representative of owners of small business stationary sources.

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(F) To the panel to represent the public, one (1) individual appointed to the council under clause (C) who is not:

- (i) an owner of a small business stationary source; or**
- (ii) a representative of owners of small business stationary sources.**

(c) The commissioner or commissioner's designee serves as a nonvoting member of the council and as a member of the panel.

Sec. 4. An appointment under section 3 of this chapter is valid for two (2) years after the date of the appointment. However, a member shall serve until a new appointment is made.

Sec. 5. (a) If a vacancy occurs among the members of the council or panel, the appointing authority of the member whose position is vacant shall fill the vacancy by appointment.

(b) Except as provided in subsection (c), if the appointing authority does not fill a vacancy within sixty (60) days after the date the vacancy occurs, the vacancy shall be filled by appointment by the chairman of the legislative council.

(c) Subsection (b) does not apply to a member of the council who is also a member of the panel.

Sec. 6. The chairman of the legislative council shall designate:

- (1) a legislative member of the council to be the chair of the council; and**
- (2) a legislative member of the panel to be the chair of the panel.**

Sec. 7. The chair of the council shall call for the council to meet at least one (1) time during a calendar year. The chair may designate committees of the council to meet between council meetings and report back to the full council.

Sec. 8. The chair of the panel shall call for the panel to meet at least one (1) time during a calendar year. A meeting of the panel during the calendar year may be held only on a date on which the council meets.

Sec. 9. The council shall do the following:

- (1) Study issues designated by the legislative council.**
- (2) Advise the commissioner on policy issues decided on by the council.**
- (3) Review the mission and goals of the department and evaluate the implementation of the mission.**
- (4) Serve as a council of the general assembly to evaluate:**
 - (A) resources and structural capabilities of the department to meet the department's priorities; and**
 - (B) program requirements and resource requirements for**

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the department.

(5) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.

(6) Submit a final report to the legislative council, in an electronic format under IC 5-14-6, that contains at least the following:

(A) An outline of activities of the council.

(B) Recommendations for department action.

(C) Recommendations for legislative action.

Sec. 10. The panel:

(1) shall carry out the duties established under Section 507 of the federal Clean Air Act (42 U.S.C. 7661f); and

(2) is not required to submit an annual report to the legislative council.

Sec. 11. The commissioner shall report to the council each month concerning the following:

(1) Permitting programs and technical assistance.

(2) Proposed rules and rulemaking in progress.

(3) The financial status of the department.

(4) Additional matters requested by the council.

Sec. 12. The legislative services agency shall provide staff support to the council and panel.

Sec. 13. Except as provided in section 10(2) of this chapter, the council and the panel shall operate under the rules of the legislative council.

SECTION 4. IC 13-21-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Revisions of the state plan must be

(1) developed with the advice of the solid waste planning advisory council established by IC 13-21-2-1; and

(2) implemented using the procedures set forth in section 1 of this chapter.

SECTION 5. IC 13-28-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The assistance program established under this chapter shall do the following:

(1) Designate an individual to serve as a liaison and ombudsman to the regulated community to assist the regulated community with specific regulatory or permit matters pending with the department.

(2) Provide assistance to new and existing businesses and small municipalities in identifying:

(A) applicable environmental rules and regulations; and

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(B) permit requirements;
that apply to new and existing businesses and small municipalities.

(3) Develop and distribute educational materials regarding:

- (A) environmental requirements;
- (B) compliance methods;
- (C) voluntary environmental audits;
- (D) pollution control technologies; and
- (E) other compliance issues;

including standardized forms and procedures for completing permit applications.

(4) Provide public outreach and training sessions in cooperation with representatives of the business and municipal communities regarding existing and future state and federal environmental requirements.

(5) Develop and operate a clearinghouse to respond to inquiries from businesses and municipalities concerning applicable environmental rules, regulations, and requirements.

(6) Provide technical assistance concerning pollution control techniques to local and state governmental entities and businesses and distribute educational materials regarding pollution prevention developed by the pollution prevention division established by IC 13-27-2-1.

(7) Provide administrative and technical support for the compliance advisory panel established by ~~section 6 of this chapter~~. **IC 13-13-7-2.**

(8) Conduct other activities as required to:

- (A) improve regulatory compliance; and
- (B) promote cooperation and assistance in meeting environmental requirements.

(b) The assistance program may establish limited onsite assistance to provide compliance information to a small business or small municipality, subject to the confidentiality provisions of section 4 of this chapter. The assistance program may use money from the environmental management special fund to implement this subsection. The assistance program may limit the number of inspections per year and restrict onsite assistance to specific programs.

SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 13-28-3-6; P.L.248-2001, SECTION 4.

SECTION 7. [EFFECTIVE JULY 1, 2005] (a) Until an appointment is made under IC 13-13-7-3(b)(3)(A) through IC 13-13-7-3(b)(3)(E), all as added by this act, a vacant position on

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the environmental quality service council shall be held by the corresponding member of the environmental quality service council serving on January 1, 2005, who was appointed under P.L.248-2001, SECTION 4(d)(4) to represent the same interest as must be represented by the person appointed to the vacant position.

(b) The appointing authorities under IC 13-13-7-3, as added by this act, shall make the appointments required by IC 13-13-7-3 before July 1, 2005.

(c) This SECTION expires December 31, 2005.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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